



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement RA-03-03 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for 1816 Tienda Drive, APN 031-040-39 (a Portion of the Former Parcel Known as 1811 West Kettleman Lane)

MEETING DATE: November 5, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider Reimbursement Agreement RA-03-03 establishing an area of benefit and reimbursable costs for public improvements for 1816 Tienda Drive, APN 031-040-39 (a portion of the former parcel known as 1811 West Kettleman Lane).

BACKGROUND INFORMATION: As a condition of approval for the final parcel map to divide the former parcel known as 1811 West Kettleman Lane into three parcels and allow development on the newly created parcel now known as 1816 Tienda Drive, the Applicant, Darrell R. Sasaki, was required to construct public improvements to serve existing and proposed parcels south of Applicant's project site. Applicant entered into an Improvement Agreement with the City on October 8, 2002, to construct the required public improvements. The terms of the Improvement Agreement required the installation of water main and storm drainage lines, as well as other miscellaneous and related improvements along the west boundary of Applicant's parcel to serve the neighboring properties known as APN 031 040-20, owned by Tsutomu Tsutaoka, and APN 031-040-40, owned by John Bezug. The benefiting properties are shown on Exhibit A.


The Applicant has requested a Reimbursement Agreement and establishment of an area of benefit in conformance with Chapter 16.40 of the Lodi Municipal Code for those improvements that benefit the neighboring properties.

The property owners within the area of benefit have been notified. The Applicant has paid the appropriate application fee and the fees to cover the cost of recording the Reimbursement Agreement. A copy of the itemized costs for the reimbursable improvements is attached as Exhibit B.

In conformance with LMC Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of public improvements benefiting the parcels known as APN 031-040-20 and APN 030-040-40. The reimbursable costs for each property are shown on Exhibit B.

Pursuant to Lodi Municipal Code Section 16.40.50.A.3, the reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. In the event that the benefiting properties shown on Exhibit A develop, the City will collect the appropriate amounts from the developers of the benefiting property and reimburse the Applicant. The charges for a benefiting property shall be paid in full at the time of the first development on that property.

FUNDING: Applicant fees and reimbursement fees collected from future development.


Richard C. Prima, Jr.
Public Works Director

Prepared by: Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachments

cc: Senior Civil Engineer – Development Services
John Bezug

Darrell R. Sasaki
Tsutomu Tsutaoka, et al

APPROVED: _____


Dixon Flynn -- City Manager



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT A

RA 03-03

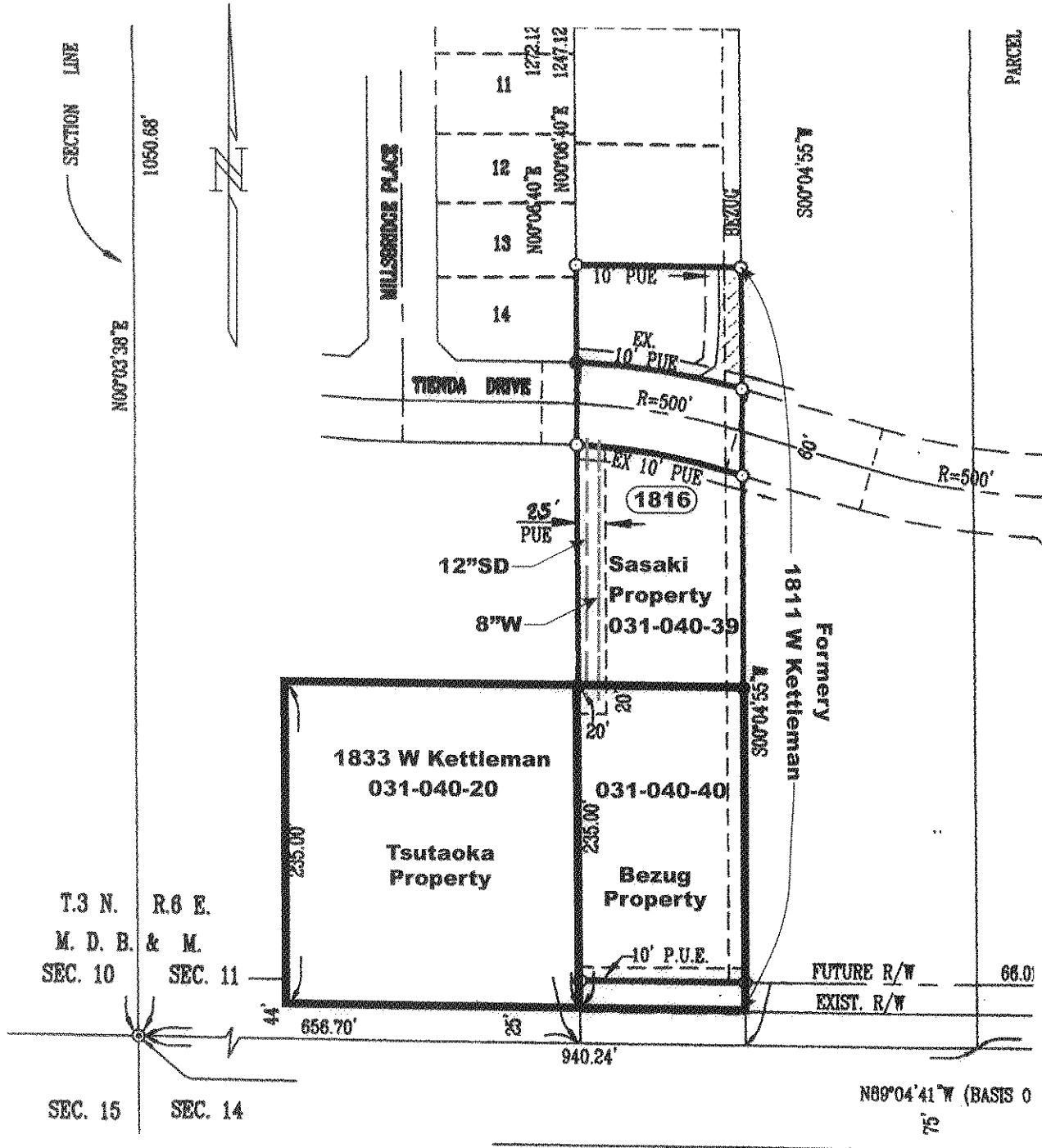


EXHIBIT B

City of Lodi
Public Works Department
Development: 1811 W. Kettlerman Lane
Darrell R. Sasaki
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for: Darrell R. Sasaki

Item	Description	Quantity	Unit	Price	Bozorg Property APN 031-040-40	Tsutaoka Property APN 031-040-20
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Storm Drainage System

1	12" Storm Drain Pipe	167	LF	\$60.00	\$3,607.20	\$6,412.80
2	48" Storm Drain Manhole	1	EA	\$2,600.00	\$936.00	\$1,664.00
Sub total					\$4,543.20	\$8,076.80

Water System

1	8" Water Pipe	167	LF	\$37.00	\$2,224.44	\$3,964.66
2	Temporary Blowoff	1	EA	\$1,000.00	\$360.00	\$640.00
3	Remove Temporary Blowoff	1	EA	\$100.00	\$36.00	\$64.00
Sub total					\$2,620.44	\$4,658.56

Total Reimbursable Improvement Cost

\$7,163.64	\$12,735.36
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10% Engineering & Administration

\$716.36	\$1,273.54
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Engineering Plan Check Fee (4.5%)

\$322.36	\$573.09
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Engineering Inspection Fee (2.5%)

\$179.09	\$318.38
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Reimbursement Application Fee

\$180.00	\$320.00
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TV Inspection for Storm Drain System

\$90.18	\$160.32
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Share Cost of the Fence Replacement

\$538.56	\$957.44
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Share Cost of the Utility Pole Relocation

\$516.33	\$917.93
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Total Reimbursable Cost

\$9,706.53	\$17,256.06
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Total Reimbursement for Darrell R. Sasaki from ALL Properties:

\$26,962.59

RESOLUTION NO. 2003-206

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR
TIENDA DRIVE IMPROVEMENTS

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WHEREAS, as a condition of approval for the final parcel map to divide the former parcel known as 1811 West Kettleman Lane into three parcels and allow development on the newly created parcel now known as 1816 Tienda Drive (APN 031-040-39), the Applicant, Darrell R. Sasaki, was required to construct public improvements to serve existing and proposed parcels south of Applicant's project site; and

WHEREAS, Applicant entered into an Improvement Agreement with the City on October 8, 2002, to construct the required public improvements, which included the installation of water main and storm drainage lines, as well as other miscellaneous and related improvements along the west boundary of Applicant's parcel to serve the neighboring properties known as APN 031-040-20 and 031-040-40, as shown on Exhibit A attached; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the costs for those improvements that benefit the neighboring properties; namely, APN 031-040-20 and 031-040-40.

WHEREAS, the reimbursable costs for each parcel are shown on Exhibit B attached hereto; and

WHEREAS, pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for those improvements that benefit the neighboring properties; namely, APN 031-040-20 and 031-040-40. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

Dated: November 5, 2003

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I hereby certify that Resolution No. 2003-206 was passed and adopted by the Lodi City Council in a regular meeting held November 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston", with a stylized flourish at the end.

Susan J. Blackston
City Clerk



CITY OF LODI
PUBLICWORKSDEPARTMENT

EXHIBIT A

RA 03-03

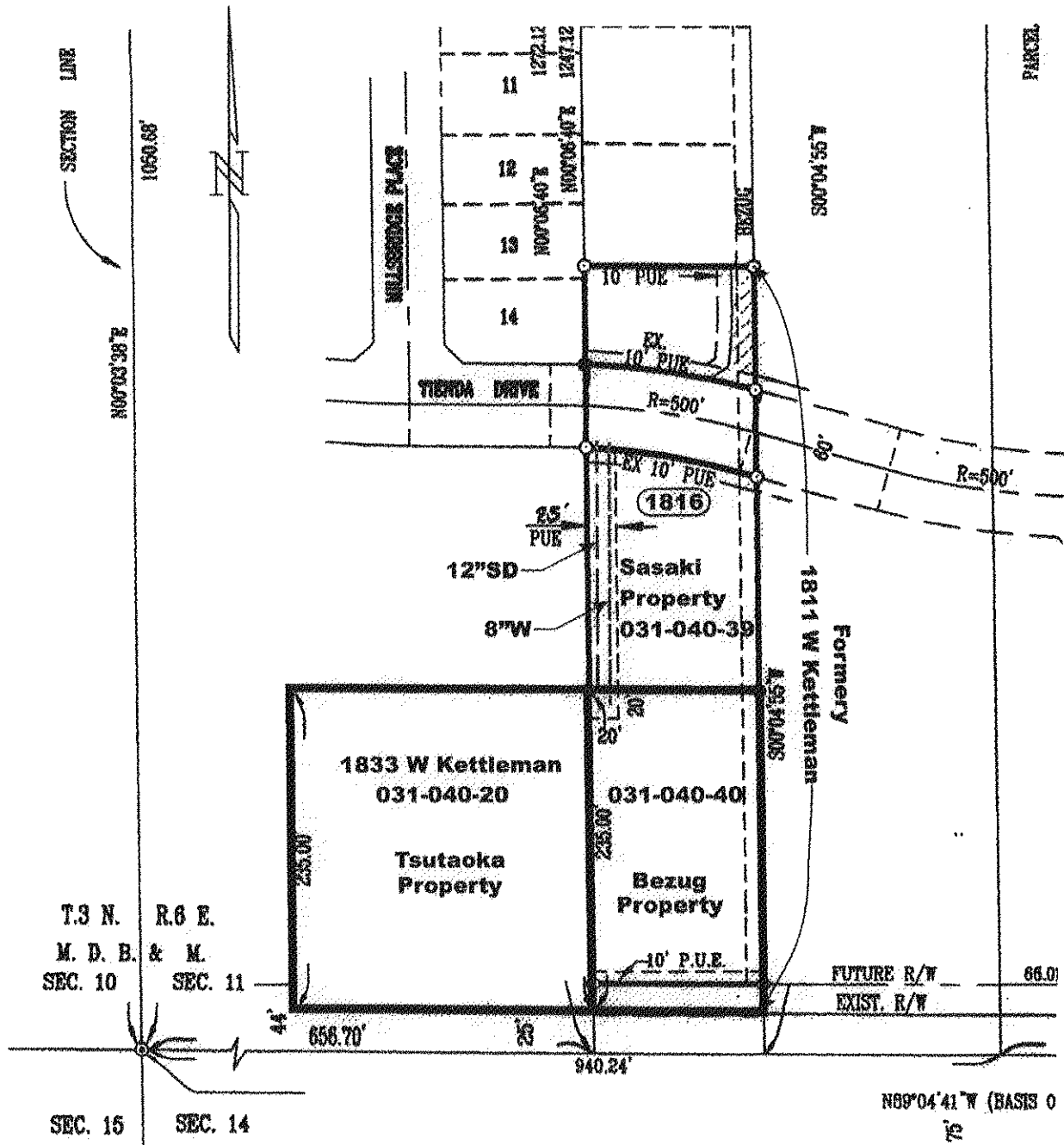


EXHIBIT B

City of Lodi
Public Works Department

1811 W. Kettleman Lane
Reimbursement Agreement

Development: 1811 W. Kettleman Lane

Darrell R. Sasaki

Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for:

Darrell R. Sasaki

Total

Item	Description	Quantity	Unit	Price	Bezug Property APN 031-040-40 (0.64 Ac)	Tsudaoka Property APN 031-040-20 (1.13 Ac)	
<u>Storm Drainage System</u>							
1	12" Storm Drain Pipe	167	LF	\$60.00	\$3,607.20	\$6,412.80	\$10,020.00
2	48" Storm Drain Manhole	1	EA	\$2,600.00	<u>\$936.00</u>	<u>\$1,664.00</u>	\$2,600.00
				Sub total	\$4,543.20	\$8,076.80	\$12,620.00
<u>Water System</u>							
1	8" Water Pipe	167	LF	\$37.00	\$2,224.44	\$3,954.56	\$6,179.00
2	Temporary Blowoff	1	EA	\$1,000.00	\$360.00	\$640.00	\$1,000.00
3	Remove Temporary Blowoff	1	EA	\$100.00	<u>\$36.00</u>	<u>\$64.00</u>	\$100.00
				Sub total	\$2,620.44	\$4,658.56	\$7,279.00
	Total Reimbursable Improvement Cost				\$7,163.64	\$12,735.36	\$19,899.00
	10% Engineering & Administration				\$716.36	\$1,273.54	\$1,989.90
	Engineering Plan Check Fee (4.5%)				\$322.36	\$573.09	\$895.45
	Engineering Inspection Fee (2.5%)				\$179.09	\$318.38	\$497.47
	Reimbursement Application Fee				\$180.00	\$320.00	\$500.00
	TV Inspection for Storm Drain System				\$90.18	\$160.32	\$250.50
	Share Cost of the Fence Replacement				\$538.56	\$957.44	\$1,496.00
	Share Cost of the Utility Pole Relocation				<u>\$516.33</u>	<u>\$917.93</u>	\$1,434.26
	Total Reimbursable Cost				\$9,706.53	\$17,256.06	\$26,962.59
	Total Reimbursement for Darrell R. Sasaki from ALL Properties:						\$26,962.59



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 5, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, November 5, 2003 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Reimbursement Agreement RA-03-03 establishing an area of benefit and reimbursable costs for public improvements for 1816 Tienda Drive, APN 031-040-39 (a portion of the former parcel known as 1811 West Kettleman Lane)

Information regarding this item may be obtained in the office of the Public Works Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: October 1, 2003

Approved as to form:

Randall A. Hays
City Attorney



DECLARATION OF POSTING

**SET A PUBLIC HEARING FOR NOVEMBER 5, 2003 TO CONSIDER
REIMBURSEMENT AGREEMENT RA-03-03 ESTABLISHING AN AREA OF
BENEFIT AND REIMBURSABLE COSTS FOR PUBLIC IMPROVEMENTS FOR
1816 TIENDA DRIVE, APN 031-040-39 (A PORTION OF THE FORMER
PARCEL KNOWN AS 1811 WEST KETTLEMAN LANE)**

On Thursday, October 2, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set a Public Hearing to consider Reimbursement Agreement RA-03-03 Establishing an Area of Benefit and Reimbursable Costs for Public Improvements for 1816 Tienda Drive, APN 031-040-39 (a portion of the former parcel known as 1811 West Kettleman Lane), (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

A handwritten signature in cursive script, reading "Patricia Ochoa", is written over a horizontal line.

Patricia Ochoa
Administrative Clerk



DECLARATION OF MAILING

**SET PUBLIC HEARING FOR NOVEMBER 5, 2003 TO CONSIDER
THE REIMBURSEMENT AGREEMENT RA-03-03 ESTABLISHING AN AREA OF
BENEFIT AND REIMBURSABLE COSTS FOR PUBLIC IMPROVEMENTS FOR 1816
TEINDA DRIVE, APN 031-040-39 (A PORTION OF THE FORMER PARCEL KNOWN AS
1811 KETTLEMAN LANE)**

On October 2, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing notice to set a Public Hearing for November 5, 2003, to consider the Reimbursement Agreement RA-03-03 establishing an area of benefit and reimbursable cost for public improvements for 1816 Tienda Drive, APN 031-040-39 (A portion of the former parcel known as 1811 West Kettleman Lane), marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

Mailing List

EXHIBIT B

John Bezug
1811 West Kettleman Lane
Lodi CA 95240

Darrell Sasaki
1806 West Kettleman Lane
Lodi CA 95242

Tsutomu Tsutaoka
2124 Corbin Lane
Lodi CA 95242

ATTN: CHUCK- Please send PROOTS today
10/3/03



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: Public Hearing to consider Reimbursement Agreement RA-03-03 establishing an area of benefit and reimbursable costs for public improvements for 1816 Tienda Drive, APN 031-040-39 (a portion of the former parcel know as 1811 West Kettleman Lane)

LEGAL AD

PUBLISH DATE: SATURDAY, OCTOBER 4, 2003

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 2, 2003

ORDERED BY:

PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Retained - 9:15 am 10/1/03
LNS Faxed to the Sentinel at 369-1084 at 4:35 (time) on 10/2/03 (date) 2 (pages)
Chuck Phoned to confirm receipt of all pages at 2:20 (time) JJ Jac Tricia Jen (initials)

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

October 30, 2003

John Bezug
1811 W. Kettleman Lane
Lodi, CA 95240

Darrell Sasaki
1806 W. Kettleman Lane, Ste. G
Lodi, CA 95242

Tsutomu Tsutaoka, et al
2124 Corbin Lane
Lodi, CA 95242

SUBJECT: Public Hearing to Consider Reimbursement Agreement RA-03-03
Establishing an Area of Benefit and Reimbursable Costs for Public
Improvements for 1816 Tienda Drive, APN 031-040-39 (a Portion of the
Former Parcel Known as 1811 West Kettleman Lane)

Enclosed is a copy of background information on an item on the City Council agenda of
Wednesday, November 5, 2003. The meeting will be held at 7 p.m. in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and
speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Lyman Chang,
Associate Civil Engineer, at 333-6800, extension 2665.

P. Farris

for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk